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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217181
Party	Defendant Bret Aiken
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Submission	Stipulated/Consent Motion to Extend
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Date	03/07/2016
Attachments	Opposition No 91217181 Diamond Seal _Progress Report and Suspension_ _March 2016_.pdf(91926 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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MATTHEWS RESOURCES, INC.	:	Opposition No. 91217181
	:	
Opposer	:	Applicant: Bret Aiken
	:	
	:	Mark: DIAMOND SEAL SYSTEMS FOREVER BRILLIANT
	:	
v.	:	Application Serial No. 85/363,491
	:	
BRET AIKEN	:	Date of Publication: March 4, 2014
	:	
Applicant	:	Filed: July 5, 2011

**PROGRESS REPORT AND CONSENT MOTION TO SUSPEND PROCEEDINGS**

*Progress Report*

Applicant Bret Aiken and Opposer Matthews Resources, Inc. hereby jointly provide a Progress Report as required pursuant to the Order dated January 6, 2016 (the “Order”) to obtain a suspension of the proceedings. The parties are actively engaged in settlement negotiations. The following are the details of progress of the settlement negotiations:

**Resolved Issues:**

1. The parties have agreed to settle the proceeding in good faith through a coexistence agreement (the “Agreement”).
2. The parties have agreed that Opposer will prepare the Agreement for review and approval by Applicant. Applicant has prepared a draft of the Agreement that will be provided to Opposer upon approval by Applicant.
3. The parties have agreed on limitations of use of the Mark by Opposer to avoid consumer confusion.
4. The parties have agreed that Opposer will amend the goods description of the Mark.
5. The parties have agreed to certain limitations on Opposer’s ability to sell products under the Mark.

6. Applicant has agreed to withdraw the proceeding following Opposer executing the Agreement and performing all obligations thereof.

**Issues that Remain to be Resolved:**

1. The parties are negotiating the specific language of the amendment to the goods description of the Mark.
2. The parties are negotiating the scope of the limitations on Opposer's ability to sell products under the Mark.
3. The parties are negotiating the particular limitations on Opposer's use of the mark.

**Timetable for Resolution:**

1. Applicant and Opposer plan to resolve all issues within 60-days of this filing.
2. Applicant plans on providing the Agreement to Opposer for review by about March 29, 2016.
3. Opposer plans to review the Agreement and provide comments by about April 5, 2016.
4. Applicant and Opposer plan to finalize the agreement by about April 12, 2016.
5. Opposer plans to submit any amendments to the Mark as required by the Agreement by about April 15, 2016.
6. Applicant plans on withdrawing the Opposition by about May 7, 2016 responsive to execution of the Agreement by all parties and performance of Opposer's obligations under the Agreement.

Opposer and Applicant respectfully submit that the foregoing Progress Report adequately provides a detailed recitation of issues and a resolution timetable as required by the Order.

Accordingly, Opposer and Applicant respectfully request that the following Consent Motion to Suspend Proceedings be granted.

**Consent Motion to Suspend Proceedings**

Pursuant to the Order dated January 6, 2016, Applicant's Time to Answer in this proceeding is March 9, 2016. Applicant and Opposer hereby jointly move for a 60-day suspension of the opposition proceeding as the parties are actively engaged in settlement negotiations.

Accordingly, the parties respectfully request this proceeding be suspended for 60 days to allow the parties to continue their settlement efforts and request that the Trial Schedule be reset accordingly.

The parties are not requesting the suspension to delay the proceeding but are requesting same so that good faith negotiations may continue.

Counsel for Applicant secured the express consent of counsel for Opposer for the suspension requested herein on March 7, 2015. Applicant's counsel has agreed to service of the Consent Motion by electronic mail and U.S. First Class Mail.

Respectfully submitted,

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